

# **MILITARY ORDER OF THE PURPLE HEART**

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**2003 ANNUAL TESTIMONY**

**BEFORE A JOINT HEARING OF THE**

**HOUSE AND SENATE COMMITTEES ON VETERANS AFFAIRS**

**MARCH 6, 2003**

Chairman Smith, Chairman Specter, Ranking Minority Member Evans, Ranking Minority Member Graham, members of the House and Senate Veterans Affairs Committees, ladies and gentlemen. I am Bill Wroolie, National Commander of the Military Order of the Purple Heart. It is a singular honor indeed to appear before this illustrious body on behalf of the members of the Military Order of the Purple Heart. As you are aware, MOPH is unique in that our membership is comprised entirely of combat-wounded veterans who suffered wounds or injuries in service to our country for which they were awarded the Purple Heart Medal.

I am accompanied today by, on my right, National Junior Vice Commander Francis Tyson, National Senior Vice Commander Al Silvano and National Legislative Director Hershel Gober; on my left are National Service Director Michael Tomsey and Adjutant General Jay Phillips. *(At this point, Commander may introduce additional attendees if he so wishes.)*

The Veterans' Affairs Committees in both the Senate and House are very important to our members. We depend upon you to be the advocates for those men and women who have shed their blood in defense of America's ideals and freedom. Our agenda for the 108<sup>th</sup> Congress is important and aims at ensuring that the men and women who protect the great freedoms and prosperity that all Americans enjoy receive the respect and consideration that they deserve. In the interest of time, I will make my testimony covering our highest priority issues as brief as possible. We have provided copies of our National Convention Resolutions to both committee staffs for your information and consideration.

First, we appreciate that the 107<sup>th</sup> Congress passed legislation granting partial relief to those retired military members with over 20 years of service who are also receiving disability compensation from the VA. We also support legislation that has been introduced in the 108<sup>th</sup> Congress which further addresses this issue. For over a century, military retirees who receive a service-connected disability rating from the VA and its predecessors have been the only Americans who have had to sacrifice dollar for dollar their earned retired pay in order to receive VA compensation. Some in government, including the current administration, have argued that to permit military retirees to concurrently receive their military retired annuity and VA compensation would constitute “double dipping.” Military retirees resent this characterization and cannot understand how anyone can make this claim. Military retired pay is based upon longevity of service. VA compensation is based upon wounds, injuries or conditions that occurred or were aggravated during the course of that service. Contrast this with former servicemen and women who served their country, came home and pursued a career in the civilian sector. They do not forfeit any portion of their retired pay in order to receive VA compensation, nor should they. A better example is a former military person who served, came home, became a federal civil servant, retired from that service and receives his or her federal retirement annuity and VA compensation without having to relinquish any portion of civil service retirement pay. In comparison with these situations, the treatment of military retirees just does not pass the logic test.

The 107<sup>th</sup> Congress passed a “special compensation” provision in the FY 2003 Department of Defense Authorization Bill that was signed into law by the President. While it affects many of our members who are receiving VA compensation for wounds or injuries for which they were awarded the Purple Heart Medal, it in no way can be considered full “concurrent receipt.” We urge this Congress to address this onerous provision of an antiquated law and to pass full concurrent receipt. We want to thank each of you who support this legislation and especially Congressman Mike Bilirakis for his leadership and his continued efforts on this issue for many years. We would be remiss if we did not also thank Senator Reid of Nevada for his uncompromising work on this issue.

Another bill of great importance to MOPH is Public Law 106-117, the Millennium Health Care and Benefits Act, which has improved the lives of veterans. The Law provides that recipients of the Purple Heart Medal have Priority 3 status within the 8 eligibility priority levels for VA health care. The law states that Purple Heart recipients are exempt from co-payments for inpatient and outpatient care. The Veterans Health Administration (VHA) issued a directive on February 29, 2000 notifying all VA Medical Centers (VAMCs) of this new priority status and of the exemption from co-payments of Purple Heart recipients for hospital care and outpatient medical services. Later, a change to this VHA directive was issued that stated that co-payments for prescription drugs would continue to be charged to Purple Heart recipients. We believe that the VHA directive requiring prescription co-payments does not meet the intent of Congress and that prescription drugs fall within the meaning of hospital or outpatient medical services. We also wonder if it was the intent of Congress with this law to exempt Purple Heart recipients from the co-payment requirements with regard to long-term care and ask for clarification on this topic.

Continuing on the subject of VA health care, legislation providing for mandatory funding of VA health care was introduced in the 107<sup>th</sup> Congress by Chairman Chris Smith and ranking minority member Lane Evans in the House and by Senator Tim Johnson in the Senate. This action was supported by the MOPH, in conjunction with The Military Coalition and other Veterans Service Organizations. This legislation has been re-introduced in the 108<sup>th</sup> Congress and the Purple Heart continues to strongly support it. The current system of discretionary funding for VA health care is inadequate and is responsible, to a great extent, for the long waiting times for veterans to receive their first medical appointments. Some estimates put this backlog at over 300,000 veterans on waiting lists. This situation is not the fault of the VA, but of the uncertainty of the year-to-year appropriations system now in effect. The Military Order of the Purple Heart urges this Congress to support and pass legislation that will give VA mandatory funding to enable VA health care professionals to perform their mission of caring for America's veterans.

Over the last several years, the VA has increased significantly the amount of receipts from “third party reimbursements.” This has been accomplished by implementing a better system for the billing of insurance companies for those medical services provided to non-service-connected veterans or for service-connected veterans who were treated for non-service-connected conditions. These collections have enabled VHA to provide service to more veterans than could have been done utilizing only appropriated dollars. Yet the VHA continues to be prohibited from seeking reimbursement from the Medicare system. MOPH and other veterans organizations believe that this is not only unfair, but actually discriminates against those veterans who are over 65 years of age, by denying them the right that all other Medicare beneficiaries enjoy--using their Medicare benefits with the health care provider of their choice. In many locations, VA hospitals are located adjacent to or directly connected with University Medical Centers. They share the same doctors and medical equipment. The veteran cannot utilize his Medicare benefit in the VA hospital, yet may be moved into the University facility and these hospitals can collect from Medicare. The VA has long stated that it could treat the veteran for less, thereby costing the Medicare system less. This issue has been introduced in Congress several times but has thus far not been passed. We believe authorizing VA to obtain reimbursement from Medicare to be a win-win situation for VA, the Medicare-eligible veterans and the American taxpayer.

We are aware that in January of this year the Secretary of Veterans Affairs made the decision to create an eighth category of veterans that may enroll in a Medicare Plus type plan for VA health care, but this is not truly, as VA has acknowledged, Medicare reimbursement. MOPH respectfully urges your committees and this Congress to pass legislation that would authorize a Medicare reimbursement test or pilot program for the VA.

Currently, some VA Medical Centers are forced to utilize contract physicians because they cannot offer competitive pay to physicians that would like to work for the VA. That is not always cost effective. We request that your committees look into this matter and provide VA physicians and caregivers with adequate and competitive salaries.

In the benefits area, we have several concerns. First, we want to thank the Veterans Benefit Administration personnel for performing a very difficult task--working to reduce the tremendous backlog of claims and working to improve the timeliness of claims processing.

The development of a veteran's claim before the Board of Veterans Appeals (BVA) is a time-consuming and tedious job that demands precise and accurate documentation. The collection of information is not easy and can often require time beyond the 30 days that are currently allowed. We respectfully request that the time for a veteran to respond to the BVA be changed from 30 days to 120 days. This will give the veteran and his representative time to obtain and provide the necessary documentation and facts on the issues.

We welcomed the changes that were enacted by the Veterans Claims Assistance Act of 2000. There are certain shortcomings, however, which affect the veterans' due process rights in dealing with the VA Regional Offices (VAROs). When the veteran claimant receives a letter from the VARO, the veteran must respond within 30 days. The letter received by the veteran can be confusing and in many cases contains information that is not relevant to the veteran's claim. This can cause undue anxiety for the veteran and perhaps contribute to delays in responding to the Regional Office. The veteran may, upon finding issues in the letter that are not relevant to the veteran's claim, simply set the letter aside and not respond at all. We urge your committees to instruct VA to make the letters more specific to the veteran's claim and to allow up to 60 days, rather than the current 30-day deadline, for the veteran to respond.

When providing service to veteran claimants, it is critical that the veteran's file and corresponding documentation be controlled. The VA has an excellent mechanism for file and document control, the bar code. We believe that bar code tracking should be utilized for all claims throughout the VA system, particularly since files are sometimes moved between VA regional offices and can become misplaced or lost. A major cost to any organization is in the processing of paperwork. VA would reduce administrative costs by assuring correct claim processing and using the paperwork controls currently available.

Another issue that we believe needs to be addressed is the current law concerning the VA compensation check that is received during the month that a veteran dies. Currently, the check is the property of the US Government and must be returned to the Treasury. For those veterans who have electronic deposit, the Treasury simply reverses the deposit. We support legislation that would provide that any payments received before the actual death of the veteran become the property of the veteran's survivors. Obviously, upon the veteran's death no future payments should be received.

In 1962, President Kennedy issued an Executive Order that authorized the award of the Purple Heart Medal even in an undeclared war. It did not mention prisoners of war (POWs), but the military implemented a policy that would affect POWs from the date of the Executive Order into the future. However, neither of these actions applied retroactively. In 1996, Congress passed legislation, subsequently signed into law, authorizing former POWs before 1962 to become eligible for the award of the Purple Heart Medal. We are aware of several situations involving World War II POWs who have experienced extreme delays in receiving their award of the Purple Heart. As we all know, these veterans are aging and are leaving us, unfortunately, at an extremely rapid rate. Here is the problem that we would like to see corrected. The veteran must submit an Application for Correction of Military Records and, if his service or medical treatment records are not readily available, must request these documents from the National Personnel Records Center (NPRC) and/or the VA Records Center. It may take up to two years to obtain a reply to these requests; the aging WWII veteran receives no priority. We request that legislation be enacted that would provide the highest priority at NPRC and the VA for requests for records and for correction of military records for those veterans who were POWs in WWII and Korea. The Secretary of Veterans Affairs has given veterans over the age of 70 priority for claims processing. We support this precedent and believe that former POWs injured in captivity deserve similar preference while they are still with us.

We are also vitally concerned that this Congress put real “teeth” into veteran’s preference in hiring. Over the years, there have been laws passed and much rhetoric but we see very few results. The federal government must set the example for the states, local government and private industry. Veterans certainly deserve to have preference in job opportunities with the federal government and within the society they have served.

We also believe that recipients of the Purple Heart Medal should have commissary privileges at military bases.

MOPH supports the construction of an education center at the Vietnam War Memorial, “The Wall.” We believe this facility would serve as a valuable educational resource, especially to the youth of this nation. During the 107<sup>th</sup> Congress, legislation was introduced that would have authorized this center at no cost to the American taxpayer. MOPH urges Congress to follow through on this legislation to authorize this worthwhile project.

Members of the Committees: The MOPH believes that we are truly “One Nation Under God”, with no specification of any particular religion. We strongly petition Congress to take appropriate actions to ensure that the wording “Under God” is retained in the pledge of allegiance to our flag.

Finally, as our nation prepares for war, our members will set aside their individual support or non-support for the war and pledge their unbounded support for those men and women in uniform who will carry the battle. The Military Order of the Purple Heart, the organization for Combat-Wounded Veterans, sincerely hopes and prays that we will have no new eligible members from this war or from further acts of international terrorism.

Thank you. I will answer any questions that you might have.